

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**PLAINTIFFS' UNOPPOSED MOTION FOR
EXTENSION OF TIME TO JANUARY 16, 2018 TO FILE RESPONSES**

TO THE HONORABLE UNITED STATES COURT:

Plaintiffs—Anthony Wright, Daniel Hansen, and Kenneth Privette, individually and on behalf of all others similarly situated—file their unopposed motion for an extension of time to respond to Defendants' Motions to Dismiss (ECF No. 37-40).

1. This a collective action under the FLSA, 29 U.S.C. § 216(b), and a class action under FED. R. Civ. P. 23 pursuant to state wage and hour laws. *See* ECF No. 1. Plaintiffs filed their Original Complaint on October 2, 2017 (ECF No. 1), and filed their Amended Complaint—which added a named Plaintiff and Defendant—on October 31, 2017. (ECF No. 2).

2. On Wednesday, December 20, 2017, Defendants filed Motions to Dismiss for Lack of Jurisdiction and Failure to State a Claim pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), on behalf of Waste Pro USA, Inc (ECF No. 37), Waste Pro of Florida, Inc. (ECF No. 38),

Waste Pro of South Carolina, Inc. (ECF No. 39), and Waste Pro of North Carolina, Inc. (ECF No. 40) (collectively, the “Motions to Dimiss”). Plaintiffs’ initial deadline to respond to the Motions to Dismiss was January 3, 2018 and was originally extended to January 12, 2018 (ECF No. 43).

3. Plaintiffs seek a second brief extension of two business days to Tuesday, January 16, 2018 to file their responses. This extension is sought in order to have sufficient time to complete and finalize the four separate responses to the Motions to Dismiss and to have all declarations which will be attached as exhibits properly executed.

4. Defendants are unopposed to the extension of time and have no objection to Plaintiffs’ request to respond to the Motions to Dismiss on or before January 16, 2018. Counsel for the Plaintiff, Ryan Morgan, spoke and communicated with Counsel for Defendants, Amy Tingley, on January 11, 2018 confirming same.

5. Plaintiffs respectfully request that the Court grant this motion and grant Plaintiffs an extension of time to January 16, 2018 to respond to the Motion to Dismiss for Lack of Jurisdiction and for Failure to State a Claim filed by Waste Pro USA, Inc. (ECF No. 37), Waste Pro of Florida, Inc. (ECF No. 38), Waste Pro of South Carolina, Inc. (ECF No. 39), and Waste Pro of North Carolina, Inc. (ECF No. 40). Plaintiffs also request all other proper relief which may be available.

Respectfully submitted by:

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By: /s/ Ben Whaley Le Clercq

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**ATTORNEYS IN CHARGE FOR PLAINTIFFS AND
PUTATIVE CLASS MEMBERS**

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2018 I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of South Carolina, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Ben Whaley Le Clercq
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